

Summary Minutes of the  
Delta Protection Commission Meeting  
Thursday, July 29, 2010

City of Antioch – Community Center  
300 L Street  
Antioch, California 94509

**ADMINISTRATIVE AGENDA**

**1. Call to Order/Flag Salute.**

Chair Nottoli called the meeting to order at 5:50 p.m.

**2. Welcome Commission Members.**

Chair Nottoli welcomed Commission members and guests to the meeting.

**3. Roll Call.**

Present: Chair Nottoli; Commissioners Albright, Brand, Eggman, McGowan, Pegos, Piepho, Reagan, Ruhstaller, Scriven, van Loben Sels and Vick. Absent: Commissioners Cabaldon, Ferguson and Martin.

**4. Public Comment. Opportunity for Members of the Public to Address the Commission on Items Not on the Agenda.**

No one addressed the Commission.

**CONSENT AGENDA Items 5-8)**

Commissioner Brand moved Item 5 to the Regular Agenda.

Commissioner Van Loben Sels moved Item 6 to the Regular Agenda.

Commissioner Albright moved Item 7 to the Regular Agenda

**8. Receive Informational Update on Lower Yolo Bypass Planning Forum, Co-Sponsored by the Commission and the Yolo Basin Foundation, Particularly Efforts to Inform the Bay Delta Conservation Plan Process.**

Vice-Chair Reagan moved approval of the remainder of the Consent Agenda; Commissioner Piepho seconded. The motion was approved unanimously by voice vote.

**REGULAR AGENDA (Items 5, 6, 7, 9-13)**

**5. Approve Minutes of June 24, 2010 Meeting.**

Commissioner Brand asked that language on Agenda Item 11C be revised to reflect that the State Lands Commission does not have the staff to continue to support the Commission due to the Commission's increase in workload.

Vice-Chair Reagan moved approval of the minutes as modified; Commissioner Peipho seconded. The minutes were approved unanimously by voice vote.

**6. Receive Informational Update on Workshop Facilitated by Commission Staff-Consulting Team to Discuss National Heritage Area Process Underway Pursuant to Provisions of SBX7-1, and Update on Related Federal Legislation.**

Commissioner van Loben Sels said that he is concerned with the timetables listed in CEL 10454 (Federal Legislation; Feinstein) would not work because the second timetable trumps the first timetable. He also said his constituents are concerned about the legislation and asked that the Commission carefully review Section 5 of the legislation.

Vice Chair Reagan stated that the Bill has not been introduced as of yet and as such the Commission cannot take a position because the Bill may be changed.

Alex Westhoff, Eisenstein Consulting updated the Commission on the NHA process. Mr. Westhoff said that the consultant team is in the fourth month of a year and a half process and has held a series of stakeholder interviews, public meetings, and conducted follow-up on questions asked during presentations. He said that the team is currently conducting a series of public presentations to a variety of stakeholder groups throughout the Delta.

Commissioner Piepho moved approval of the information received; Vice Chair Reagan seconded. The motion was approved unanimously by voice vote.

**7. Receive Informational Update on Selection of Consultant to Develop Framework for Economic Sustainability Plan.**

Commissioner Albright reported that the Economic Sustainability Committee met and discussed long term external trends having the potential to affect Delta, internal challenges facing the Delta, and the list of stakeholders to be engaged during the process. He said the Committee will solicit input from the Commission on ideas for the Study. Commissioner Albright also reported that the selected consultant has not received a signed contract. Sheila Singleton responded that she would check on the status with the Department of General Services.

Commissioner Piepho moved approval of the information received; Commissioner Reagan seconded. The motion was approved unanimously by voice vote.

**9. Receive Informational Presentation From Delta Vector Control Managers.**

Craig Downs, Contra Costa Mosquito and Vector Control District, stated that the four Mosquito & Vector Control Districts with jurisdiction in the five-county Delta region want to enhance awareness of how the Commission's policies would impact the Vector Control's mission of protecting public health. Mr. Down's said that while wetlands have been noted on Delta maps, disease and pestilence that come along with the wetlands have not been noted. He also said that protecting public health is not mentioned in the Delta Reform Act but is an integral part to four of the eight policies in the Management Plan. Mr. Down outlined four goals of the Vector control: (1) enhancement of recreational and agricultural value to include mosquito control; (2) restoring the Delta ecosystem but not restoring conditions that lend themselves to the historic disease and pestilence of the past; (3) reducing risk to people, property and state interests, including reducing risk to people from mosquito borne diseases, reducing risk to property values due to mosquito infestations, and reducing risk to livestock; and (4) establishing a new governance structure and adequate funding with a funding mechanism for maintenance to minimize conditions conducive to mosquito production. Mr. Downs asked that the Commission include Best Management Practices in any flooding program in the Management Plan and offered the Vector Control's assistance.

Commissioner Pegos noted that the Invasive Species Council of California also deals with the issue of vector control.

Commissioner Albright asked what types of actions would deteriorate public health and how would the Commission or any other agency find the right balance between competing objectives. Mr. Downs responded that creating circumstances where there is standing water for more than 72 hours would deteriorate public health, and while the mosquito population cannot be eliminated, its existence can be minimized.

**10. Receive Report on Preparation of Primary Zone Study From Douglas Environmental and the Primary Zone Study Advisory Committee and Provide Input Including Public Comment for Finalization of Study for Submittal to the Legislature Pursuant to Provisions of SBX 7-1.**

Doug Brown, Douglas Environmental gave a brief overview of steps taken and progress made to date on the Primary Zone Study. Mr. Brown reported that the Primary Zone Committee has been established, a conceptual framework established, study area boundaries have been identified and public outreach has been initiated. He also reported that there is concern by the Delta community that because of the tight timeframe of the study, members of the public affected by the study will not have an opportunity to participate, and because of this, additional public outreach is needed.

Mr. Brown reported that he asked the Committee to base the study on evaluating resources, identifying resources in the six study areas identified in SBX7-1 and using criteria to develop a matrix to compare what effect/impact there would be on ag and habitat. He said he is moving forward on identifying data on the six study areas/boundaries.

Mr. Brown recommended that the Committee continue the study as there is need for additional outreach efforts and because any recommendations regarding boundary line adjustments will need to be seriously substantiated. He said that because of the work still needing to be accomplished, it will be at least four months before the Commission will be able to make a recommendation to the Legislature.

Chair Nottoli cautioned that the Commission should not wait too long to submit their recommendations. Commissioner Pegos said the Commission would need to move quickly in order to maintain its credibility with the process. Commissioner van Loben Sels commented that he agreed with the issue of credibility and also said the Commission should focus its efforts on extra outreach so that anyone effected by the study can be included.

Commission Albright asked that the Primary Zone Study become a recurring item on future agendas. He said that in addition to holding more workshops, the Commission should set a date to deliver the report. He also asked that the consultant should work with the Executive Director to send a letter to the Legislature announcing progress to date.

Vice Chair Reagan commented that he was concerned that many Commissioners would not be present in November to discuss the report as they will be in attendance at the California State Association of Counties Meeting.

Chair Nottoli asked that the November Commission meeting date change be agendized for the next meeting.

Bill Geyer, Landowner Resource Coalition commented that the Commission is doing the right thing in taking the time to make sure the job is handled correctly. Mr. Geyer asked if the preliminary study maps would be released soon. Mr. Brown responded that he would ask the Primary Zone Study Committee if it is ok to make the maps public. Commissioner Pieho stated that Committee should adopt the maps then bring before the Commission for adoption.

**11. Receive Report From Executive Committee and Act on Recommendations as Determined Appropriate Pursuant to Commission Member Discussion:**

**A. Delta Stewardship Council**

Chair Nottoli reported that the Stewardship Council held a two-day meeting at the Clarksburg Sugarmill. He thanked fellow Commissioners for making presentations to the Council and the public on local government issues in the Delta. Chair Nottoli noted that comments made by members of Council asked that the Commission work with Council staff to review some of the differences that resulted in the votes on the Commission's Management Plan adopted in February.

**B. Delta Conservancy**

Commissioner Pieho reported that the Conservancy is currently working on procedural issues. She also noted that the Conservancy has received presentations from Joe Grindstaff, staff to the Delta Stewardship Council and Karla Nemeth, California Natural Resources Agency.

**C. Water Bond – Legislation**

Vice Chair Reagan reported there is debate in the Legislature about the timing of the water bond measure. He also noted that the legislation of relevance to the Commission includes AB 2092, AB 2598, AB 2775, and SB 565.

**D. Executive Director Recruitment**

Sheila Singleton reported that 14 applications for the Executive Director position have been received. She noted that next steps include interviews by the Personnel Recruitment Committee in early August with the intent of making finalist recommendations for interviews to be conducted at the August Commission meeting.

**12. Commissioner and Staff Comments and Announcements.**

Commissioner Peipho thanked the City of Antioch for hosting the Commission meeting.

Commissioner Pegos requested that the SB X7-1 Advisory Committee item be agendized for the next meeting. He also requested that the Invasive Species Council of California be invited to make a presentation to the Commission. Commissioner Pegos also requested that a future item denoting Commission goals and timelines be on a future agenda.

**13. ADJOURN.**

The meeting was adjourned at 7:40 p.m.